

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENZEL SIMMONS,

Plaintiff,

v.

Case No. 2:16-CV-11142

STEVEN RIVARD, et. Al.,

HON. AVERN COHN

Defendants.

ORDER OF DISMISSAL

This is a pro se prisoner civil rights action under 42 U.S.C. § 1983. At the time he filed his complaint, the plaintiff did not pay the required \$350.00 filing fee, nor did he submit a proper application to proceed without prepayment of the filing fee. See 28 U.S.C. § 1915(a)(2); McGore v. Wrigglesworth, 114 F.3d 601, 605 (6th Cir. 1997), overruled on other grounds, LaFountain v. Harry, 716 F.3d 944, 951 (6th Cir. 2013).

On March 30, 2016, the Court entered an order of deficiency, which required Plaintiff to provide a prisoner's application to proceed without prepayment of fees and costs and authorization to withdraw from trust fund account, a signed certification of his prison trust account from an authorized jail official and a current computerized trust fund account showing the history of the financial transactions in Plaintiff's institutional trust fund account for the past six months. Alternatively, the order allowed Plaintiff to pay the filing fee in full. Plaintiff was given thirty days to comply with the order. (Doc. 2).

On April 18, 2016, Plaintiff filed an affidavit stating that he is unable to pay the filing fee and service costs. Plaintiff also filed a current computerized trust fund

statement of account showing the history of the financial transactions in his institutional trust fund account for the past six months. (Doc. 4).

Plaintiff, however, failed to file a copy of the Application to Proceed in District Court Without Prepayment of Fees or Costs. Plaintiff also failed to provide a written authorization to withdraw funds from his prison trust fund account. Plaintiff also failed to provide a trust account statement that was certified by the appropriate prison official at his place of incarceration. Thus, plaintiff has failed to correct the filing deficiencies within the allotted time for doing so. Accordingly, the complaint is **DISMISSED WITHOUT PREJUDICE**. The Court makes no determination as to the merits of the complaint.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 27, 2016
Detroit, Michigan